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Practitioner Docket No. 701039-050025 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ZETTER, Bruce et al.

Application No.: 10/537,455

Group No.: To be assigned

Filed I.A.: 09 January 2004

Examiner: To be assigned

For: METHODS FOR DIAGNOISIS AND PROGNOSIS OF CANCER

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2. Information Disclosure Statement (1 pp.);
3. Form 1449 (1 pg.);
4. References A1, B1 and C1-C2;
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September 8, 2005



PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/537,455
Filing Date	09 January 2004
First Named Inventor	ZETTER, Bruce et al.
Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	701039-050025 US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Mailing; Reference A1,B1, and C1-C2 and Return Receipt Postcard.
Remarks The Commissioner is hereby authorized to charge any fee deficiencies or credit any overpayment to the Nixon Peabody LLP Deposit Account 50-0850.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	NIXON PEABODY LLP		
Signature			
Printed name	David S. Resnick		
Date	9/6/05	Reg. No.	34,235

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Typed or printed name	Catherine Kearns	Date	9/6/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application No.: **10/537,455**

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Examiner: **To be Assigned**

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is, on the date shown below, being: deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date: September 6, 2005


Catherine Kearns

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. §§1.56 and 1.97, Applicants herewith submit the publications and/or patents shown on the attached form PTO-1449, for consideration by the Examiner in connection with the examination of the above-identified patent application.

I. REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

- X (1) within three (3) months of the Filing Date or **before the mailing date of the First Office Action** on the merits; or
- (2) within three months of the mailing date of the European Search Report; or

- (3) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and the requisite Certification or fee under Rule 1.17(p), namely **\$180.00**, is included herein; or
- (4) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

It is respectfully requested that each of the documents shown on the attached form(s) PTO-1449 be made of record in this application. Copies of these documents (CHECK ONE):

- X are enclosed herewith; and
- have been cited in the parent application, and are thus not being resubmitted herein.
- Early examination and allowance of the present application are respectfully solicited.

FEE AUTHORIZATION

Should any fees associated with the submission be required, the Commissioner is authorized to charge the missing fee to our Deposit Account No. 50-0850. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,



David S. Resnick (Reg. 34,235)
NIXON PEABODY LLP
100 Summer Street
Boston, MA 02110
(617) 345-6057

Date: September 6, 2005

A circular black ink stamp from the Patent & Trademark Office. The text "O T P E" is at the top, "I A P 85" is at the top right, "SEP 08 2005" is in the center, and "PATENT & TRADEMARK OFFICE" is at the bottom.

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code* (if known)			
	A1	US 6,150,117	11/21/00	Zetter, Bruce et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant Of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	
	B1	JP 08004717	7/29/00	Yokoyama et al.		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	
	C1	SHOU et al., "Expression profiling of a human cell line model of prostatic cancer reveals a direct involvement of interferon signaling in prostate tumor progression." <i>Proceedings of the National Academics of Science, USA. March 5, 2002, Vol. 99, No. 5; 2830-2835</i>	
	C2	YOKOYAMA, M., et al. "Identification and Cloning of Neuroblastoma-Specific and Nerve Tissue-Specific Genes through Compiled Expression Profiles." <i>DNA Research</i> , 1996, 3: 311-320	
		Date Considered	

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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